

FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT - N.Y.
★ AUG 11 2008 ★
P.M. _____
TIME A.M. _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

02 CR 778 (SJ)

-against-

**MEMORANDUM
AND ORDER**

BETTY PETER, et al.

Defendant.
-----X

A P P E A R A N C E S

UNITED STATES ATTORNEY

Benton J. Campbell

United States Attorney

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Brooklyn, New York 11201

By: Robert Capers, Esq.

James McGovern, Esq.

Attorneys for Plaintiff

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By: Charles A. Ross, Esq.

Attorney for Defendant

JOHNSON, Senior District Judge:

Presently before the Court is a letter request made by defense counsel on behalf of Betty Peter (the "Defendant"). Specifically, defense counsel writes to confirm that the Court considered as mitigating factors 1) the time that the Defendant spent incarcerated at the Passaic County Jail in Patterson, New Jersey in connection with her immigration case, and 2) the fact that she will not receive credit for this time. Defense counsel argues that if the Court did not consider the Defendant's previous incarceration as a mitigating factor, it should reduce the

sentence imposed and give the Defendant credit for the time that she was incarcerated.

The Court presumes the parties are familiar with the relevant facts and circumstances surrounding this case. On March 19, 2008, the Defendant was sentenced to sixty months imprisonment followed by three years of supervised release.

This Court considered a broad range of information when rendering its decision at Defendant's sentencing. Included in this body of information were (1) the factors to be considered when imposing a sentence as set forth in 18 U.S.C. § 3553(a), (2) a letter of support written and submitted by the government on the Defendant's behalf pursuant to U.S.S.G. §5K1.1, (3) the oral arguments and written submissions made by counsel to the Court, and (4) the time that the Defendant spent incarcerated at the Passaic County Jail in connection with her immigration case. At the time of sentencing, the Court was fully aware of the fact that the Defendant would not receive credit for the time she was incarcerated and considered that as part of its decision-making process.

Therefore, the Defendant's sentence shall remain as previously entered and the Court grants no credit for the time the Defendant spent incarcerated at the Passaic County Jail.

SO ORDERED.

/s/(SJ)

Dated: August 4, 2008
Brooklyn, NY

~~Senior United States District Judge~~